

**Remarks**

Entry of the above-noted amendments, reconsideration of the application, and allowance of all claims pending are respectfully requested. It is believed that the application is in condition for allowance at this time. Claim 22 is cancelled. Claim 30 is new. Claims 1-9, 11-21, 23, 25-30 are pending. Support for the amendments can be found in the published application including paragraphs 46, 48 and 60 of the filed application.

Claim Rejections - 35 U.S.C. § 103

Claims 1-5, 8-9, 11-19 and 22-23, 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farzannejad EP 1439725 in view of Choi et al. US 7096020.

For explanatory purposes, applicant discusses herein one or more differences between the claimed invention and the Office Action's citations to Farzannejad and Choi. This discussion, however, is in no way meant to acquiesce in any characterization that one or more parts of the Office Action's citations to Farzannejad or Choi correspond to the claimed invention.

To support an obviousness rejection, MPEP §2143.03 requires "all words of a claim to be considered" and MPEP § 2141.02 requires consideration of the "[claimed] invention and prior art as a whole." Further, the Board of Patent Appeal and Interferences recently confirmed that a proper, post KSR obviousness determination still requires the Office make "a searching comparison of the claimed invention – *including all its limitations* – with the teaching of the prior art." *In re Wada and Murphy*, Appeal 2007-3733, citing *In re Ochiai*, 71 F.3d 1565, 1572 (Fed. Cir. 1995) and *CFMT v. Yieldup Intern. Corp.*, 349 F.3d 1333, 1342 (Fed. Cir. 2003). In sum, it remains well-settled law that an obviousness rejection requires at least a suggestion of *all* of the claim elements. Because the cited art does not disclose limitations of the claimed

invention, as found in Applicant's independent claims 1 and 15, the obviousness rejection is improper. In particular, Farzannejad does not disclose transferring the call to the second subsystem *after* the change of service is complete.

Farzannejad discloses a system that is comprised of a first link of a first network having a high level of information content, and a second link of a second network having a lower level of information content. (See Farzannejad, pg. 1, lines 5-8; pg. 2, lines 20-23, 31-33; pg. 4 lines 15, 16, 27, 28; pg. 7, lines 6-8; etc.). Thus, Farzannejad discloses a first link having a high level of information content (first service) on a first network, and second link having a lower level of information content (second service) on a second network.

As disclosing the limitation of claims 1 and 15 that "after the change of service is complete, transferring the call to the second subsystem", the Examiner points to Farzannejad FIG. 5, step 58. (See Office Action, pg 3, lines 10-12). Farzannejad's narrative corresponding to the subject step discloses that upon detection of a handover condition, "A second link is set up between the two phones via the fourth and fifth base stations 30 an [sic] 32 of the second network 28. Then the session is transferred to the second link where only voice can be transferred, step 58. Thereafter the session continues on the second link only using the voice with the video information being lost." (Farzannejad, pg 9, lines 7-10). The second network 28 is a GSM network. (Farzannejad, pg 7, line 28). To summarize, Farzannejad sets up a first link to the first system (supporting the first service) and a second link to the second system (supporting the second service); the session is then transferred. The claim limitation, however, is directed to transferring *after* the change of service is complete. Thus, the change of service occurs on the first subsystem, and *after* the change of service is completed on the first subsystem the call is transferred from the first subsystem to the second subsystem. Farzannejad, however,

discloses setting up a second link on the *second* subsystem which supports the second service. Farzannejad never discloses that the change of service occurs on the first subsystem. Indeed, in Farzannejad the change of service cannot occur on the first subsystem, because Farzannejad does not disclose setting up a link supporting the second service on the first subsystem.

Farzannejad further clarifies that the change of service occurs after the call is transferred from the first system to the second system. Recall from above that in Farzannejad the second service is equated with the lower level of information content. Farzannejad states that "the session is transferred to the second link where only voice can be transferred, step 58. Thereafter the session continues on the second link only using voice with the video information being lost. There is thus a lower level of information content *after* the handover." (Farzannejad, pg. 9, lines 8-11; emphasis added). Because a lower level of information content is associated with the second service, Farzannejad is disclosing that the change of service occurs *after* the handover to the second system. The claimed invention, however, is directed to a change of service *before* the call is transferred to the second system. Accordingly, Farzannejad, or Choi for that matter, discloses the limitation of changing service while a call is on a first subsystem and after the change of service is complete, transferring the call to a second subsystem.

None of the cited art discloses the limitation of transferring a call to the second subsystem after a change of service is complete.

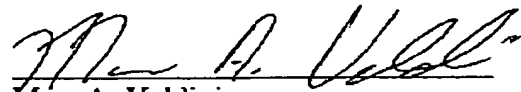
Withdrawal of the §§ 103 rejections is therefore respectfully requested.

12

LUC-814 / ALU 800974

In view of the above remarks, allowance of all claims pending is respectfully requested.  
If a telephone conference would be of assistance in advancing the prosecution of this application,  
the Examiner is invited to call applicant's attorney.

Respectfully submitted,



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